

REMARKS

Claims 1-10 are pending in this application, with claim 4 being withdrawn by the Examiner. By this Amendment, claims 1 and 2 are amended, and claims 11-20 are canceled without prejudice to or disclaimer of the subject matter recited therein. Applicant reserves the right to file a divisional application to pursue the subject matter of non-elected claims 14-20. Support for the amendments to claim 1 can be found, for example, in original claims 11-13. No new matter is added.

Applicant confirms that during a May 22, 2008 telephone conference with Examiner Thrower, Applicant provisionally elected Group I, Species B, claims 1-3 and 5-13, with traverse. Withdrawn claim 4 should be rejoined and allowed when claim 1 is allowed.

The Office Action rejects claims 1-3, 5, 8-11 and 13 under 35 U.S.C. §102(b) over U.S. Patent No. 5,383,550 to Tsao; and rejects claims 6 and 7 under 35 U.S.C. §103(a) over Tsao. The rejections are respectfully traversed.

Applicant submits that Tsao fails to disclose a cover that has a tube through-hole formed therein, and a supply tube for supplying a hydrating liquid to a containment recess inserted through the tube through-hole so that when the containment recess is covered by the cover, the hydrating liquid is applied to the containment recess through the supply tube, as recited in independent claim 1.

The Office Action alleges that the case 10 of Tsao corresponds to the claimed hydrating case. Applicant disagrees with this assertion. Tsao discloses a conventional contact lens carrying/storing case 10 that stores lenses between wearing times. See Tsao, col. 1, lines 9-15. The carrying/storing case 10 may also be used for disinfecting lenses. See Tsao, col. 1, lines 6-8. Tsao fails to disclose that the case 10 may be used for hydrating lenses during a manufacturing process. Moreover, Tsao fails to disclose a cover that has a tube through-hole formed therein, and a supply tube for supplying a hydrating liquid to a

containment recess that is inserted through the tube through-hole so that when the containment recess is covered by the cover, the hydrating liquid is supplied to the containment recess through the supply tube, as recited in independent claim 1.

Therefore, independent claim 1 is patentable over Tsao. In addition, claims, 2, 3 and 5-10, which depend from independent claim 1, also are patentable over Tsao, at least in view of the patentability of independent claim 1, as well as for the additional features these claims recite. Accordingly, withdrawal of the rejections is respectfully requested.

The Office Action rejects claims 1, 9 and 11 under 35 U.S.C. §102(b) over U.S. Patent No. 5,080,839 to Kindt-Larsen; and rejects claim 12 under 35 U.S.C. §103(a) over Kindt-Larsen. The rejections are respectfully traversed.

Applicant respectfully submits that Kindt-Larsen fails to disclose a mouth of a containment recess that is provided with a liquid tight closure so as to constitute a distribution case in which a moisture-containing contact lens is sealed within the containment recess while being in a state of immersion in a distribution storage liquid, as recited in independent claim 1.

The Office Action alleges that the combination of the first carrier element 18 and the second carrier element 46 of Kindt-Larsen, corresponds to the claimed hydrating case. The Office Action also alleges that the cavity 55 of Kindt-Larsen corresponds to the claimed containment recess. Applicant respectfully disagrees with these assertions.

Kindt-Larsen discloses a conventional system for hydrating contact lenses. See Kindt-Larsen, col. 2, lines 61-64. Kindt-Larsen fails to disclose that the cavity 55 of Kindt-Larsen (the alleged containment recess) includes a mouth of a containment recess that is provided with a liquid tight closure by a cover so as to constitute a distribution case in which a moisture-containing contact lens is sealed within the containment while being in a state of immersion in a distribution storage liquid. Moreover, Kindt-Larsen fails to disclose any

element that can reasonably be considered to correspond to the claimed mouth of a containment recess.

Therefore, independent claim 1 is patentable over Kind-Larsen. In addition, claim 9, which depends from independent claim 1, also is patentable over Kindt-Larsen, at least in view of the patentability of independent claim 1, as well as for the additional features this claim recites. Accordingly, withdrawal of the rejections is respectfully requested.

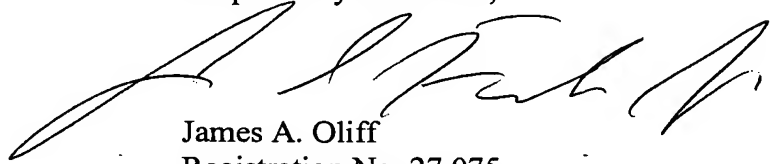
In addition, Applicant respectfully submits that the combination of Tsao and Kindt-Larsen fails to disclose or render obvious the claimed combination of features of independent claim 1. As discussed above, Tsao discloses a conventional contact lens carrying/storage case 10, and Kindt-Larsen discloses a conventional process and system for hydrating contact lenses. That is, the systems of Tsao and Kindt-Larsen are directed to completely different processes.

Conventionally, after the completion of a lens hydration process in a hydration case, it is necessary to transfer the lens from the hydration case to a case for commercial distribution. See Specification, page 2, lines 19-21. This transfer process may result in damage to the lens and may be a complicated process. See Specification, page 2, lines 21-28. In contrast, independent claim 1 is directed to a hydrating case that may be used for (1) hydrating contact lenses during the manufacturing processes of contact lenses, and (2) shipping newly manufactured contact lenses to consumers and/or retailers. Applicant respectfully submits that it would not have been obvious to one having ordinary skill in the art to combine the teachings of Tsao, which are directed to a conventional contact lens carrying/storage case, with the teachings of Kindt-Larsen, which are directed to a conventional lens hydrating case to result in Applicant's claims.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Lenwood Faulcon, Jr.
Registration No. 61,310

JAO:LXF/mkg

Attachment:
Petition for Extension of Time

Date: September 29, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
